

REMARKS

Claims 35-48 are pending in this application. Claims 35-48 currently stand rejected, and claims 35, 41, and 42 have been amended. Reconsideration and allowance of the present application are respectfully requested in light of the preceding amendments and following remarks.

Claim Objections

Claims 35, 40-43 and 47 are objected to because of informalities. Applicants note that claims 35, 41, and 42 have been amended to cure the grammatical and antecedent basis flaws noted in those claims. The Examiner objects to claims 42 and 43 for inconsistencies among the various graphical fuel bundles described in those claims. Applicants respectfully submit that the claims are definite and possess proper antecedent basis. The claims specifically label different groups of graphical fuel bundles based on the initial location of their physical counterparts, and, where no label is given (i.e., the generic “the graphical fuel bundles” is used), the claims refer to any of the graphical fuel bundles, regardless of their original location. Because any of the graphical fuel bundles may be moved among several locations as recited in the claims, one skilled in the art would understand the unlabelled “graphical fuel bundles” in the claims to refer to any graphical fuel bundle identified in the claims. Therefore, Applicants respectfully request that the objections to claims 35, 40-43 and 47 be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 35-48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over publication “*CPW for SIMULATE-3*” by Kevin O’Sullivan contained in the “*Update ...*”

newsletter (“O’Sullivan”) in view of US Pat 5,414,809 to Hogan et al. (“Hogan”). This rejection is respectfully traversed.

With regard to claims 35 and 42, the Examiner alleges that O’Sullivan teaches each and every element of those claims, with the exception of a loading tool, which is taught by Hogan. The Examiner specifically points to O’Sullivan’s teaching of rotation of symmetric assemblies within the core to meet the claim element “the populating based on one or more fuel attributes of the fuel bundles in the fuel pool.” Applicants respectfully submit that rotating symmetric bundles *already within the core* is not *populating the core* as recited in claims 35 and 42. Where O’Sullivan discusses populating the core, it does not disclose doing so based on fuel attributes, let alone tools for doing so. See O’Sullivan ¶ 4, first sentence. Without teaching moving fuel bundles into the core based upon a fuel bundle attribute, O’Sullivan does not teach or suggest the “populating” recited in claims 35 and 42.

Hogan does not cure the disclosure and suggestion deficiencies of O’Sullivan. Specifically, Hogan teaches, and is applied by the Examiner for teaching, only a graphical loading tool. Hogan is silent with regard to how this tool, which is unrelated to nuclear power, may discriminate among elements moved by the tool based on fuel bundle attributes when populating the core. Indeed, from FIG. 9 of Hogan, it is unclear how elements may be moved between fields based on *any* attributes by the tool in Hogan; the figure suggests only a non-discriminating and generic move tool.

Because O’Sullivan, alone or in combination with Hogan, does not teach or suggest each and every element of claims 35 and 42, these references fail to anticipate or render obvious claims 35 and 42. Claims 36-41 and 43-48 are allowable at least for depending from an

allowable base claim. Therefore, Applicants respectfully request that this rejection of claims 35-48 under 35 U.S.C. §103 be withdrawn.

CONCLUSION


In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
HARNESS, DICKEY, & PIERCE, P.L.C.

By


Ryan Alley, Reg. No. 60,977

Gary D. Yacura, Reg. No. 35,416

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

GDY/REA/mat